IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22476 of 2004

Between:

Murali Mohana Rao Paidi, S/o.Late Sri Narasayya,
R/o.Singuru Village, Srikakulam District.

..... PETITIONER

AND

1. Chairman, Railway Recruitment board, Secunderabad.
2. The Assistant Secretary, Railway Recruitment

Board, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or Direction(s) essentially in the nature of writ of Mandamus directing the Respondent to give posting orders/ appointment order to the petitioner as Technician Grade-II (Welding) with effect from the date on which his batch-maters are appointed with all consequential benefits by holding the action of the respondents in not doing soon the baseless ground that the petitioner has higher qualification than essential qualifications as bad, illegal, arbitrary discriminatory, irrational and unconstitutional by setting aside the Judgment dated 31-08-2004 in O.A.No.903 of 2004.

Counsel for the Petitioner: MR.J.SUDHEER

Counsel for the Respondents: MR.S.S.VARMA

The Court at the admission stage made the following:

O R D E R: (per Hon'ble Sri Justice G.Bikshapathy)

The Writ Petition is filed challenging the order dated 31-08-2004 passed by the Central Administrative Tribunal, Hyderabad, in O.A.No.903 of 2004.

2. The matter relates to recruitment to the post of Technician-Welder Grade-III as notified by the South Central Railway, Secunderabad. The requirement as stated in the said notification is I.T.I. Certificate in Welding. It is also stated that candidates possessing Diploma/Degree in Engineering are not eligible to apply.

3. It is the case of the petitioner that he passed S.S.C. and thereafter he completed Post Diploma Course in Welding and also undergone training in the Welding Technology. The petitioner was provisionally selected by the recruiting authorities, but, however, the appointment was refused on the ground that he possessed higher qualification than notified. Therefore, he approached the Tribunal for appropriate relief by filing O.A.No.903 of 2003 and the said O.A. was dismissed by the Tribunal by an order dated 31-08-2004. Against the said order, the present Writ Petition has been filed.

4. The learned counsel for the petitioner vehemently submitted that the petitioner possessed higher qualification than what was prescribed in the Notification. Therefore, rejection on the ground that he possessed higher qualification is illegal and contrary to law. He relied on a decision of this Court in ***DISTRICT COLLECTOR, ANANTAPUR AND OTHERS*** v. ***K.SUJATHA***.

5. The issue that calls for consideration is whether the petitioner is entitled to consider for appointment.

6. In the Notification, it has been clearly stated that the eligibility was I.T.I.

Certificate in Welding. Admittedly, the petitioner did not possess the I.T.I. certificate in Welding. He passed 10th class and thereafter he acquired diploma in Mechanical Engineering in 1998. He also completed post diploma course in welding of 1½ years duration. He also appears to have undergone training in Welding Technology for a period of one year during 2001-2002. May be, he possessed post Diploma Course in Mechanical Engineering and training in Welding Technology, but notification specifically stipulates that the applicant should possess the I.T.I. Certificate in Welding. It is one thing to say that after completion of I.T.I. in Welding, he prosecuted higher studies in Welding Technology. But, in the instant case, he lacks the initial qualification i.e., I.T.I. in Welding. Under those circumstances, we are of the considered view that the petitioner is not entitled for any relief and we do not find any error apparent on the face of the record. The judgment sought to be relied on by the learned counsel for the petitioner cannot be made applicable to the facts of this case. Inasmuch as, the petitioner herein did not even possess the basic qualification of I.T.I. which is a pre-requisite for being considered for appointment to the post. In the case dealt by the Division Bench, the recruitment related to Librarian and the requirement was certificate course in Library and Information Science (CLIS). The candidate possessed First class Bachelor degree in Library and Information Sciences (BLIS) from a recognized University. So far as course of CLIS was concerned, the same was six months course, whereas, BLIS is one year course for Basic Librarian Post, the duration whereof is one year. Therefore, the prosecution of education was in the same line in Library Science. On that basis, the Division Bench observed that the person having better qualification cannot be denied the appointment. But, in the instant case, we find basic qualification is lacking. Thus, we do not find any ground to interfere with the order impugned.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY,J

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P.S.NARAYANA, J

Date : 18-01-2005

Prv/Bsb

To

1 The Chairman,

Railway Recruitment Board, Secunderabad.

2 The Assistant Secretary,

Railway Recruitment

Board, Secunderabad.

3 The Registrar, Central Administrative Tribunal, Hyderabad.

4 Two CD copies.